

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION  
STATE OF FLORIDA

INQUIRY CONCERNING A JUDGE,  
NO. 04-53, ALAN C. TODD

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CASE NO.: SC 04-1655

**MOTION TO DEFER RULING**

The Judicial Qualifications Commission (Investigative Panel), by and through its undersigned counsel, hereby moves the Hearing Panel to defer its ruling in this matter. As grounds therefor, the Investigative Panel states as follows:

1. This matter was tried before the Hearing Panel on October 18-19, 2005, at the Orange County Courthouse in Orlando, Florida.
2. As of this date, the Hearing Panel has not yet released its Findings, Conclusions and, if applicable, Recommendation of Discipline.
3. Since the date of the final hearing, it has come to the attention of the Investigative Panel that Judge Todd may have engaged in further violations of the Code of Judicial Conduct related to comments he allegedly made regarding a fellow county court judge.
4. In light of the aforementioned development, the Investigative Panel respectfully requests that the Hearing Panel refrain from ruling in this matter until such time as the Investigative Panel has had an opportunity to consider the allegations concerning Judge Todd's post-final hearing conduct.

WHEREFORE, the Judicial Qualifications Commission, by and through its

undersigned counsel, respectfully prays that the Hearing Panel defer its ruling in this matter until such time as the Investigative Panel has had an opportunity to consider the allegations concerning Judge Todd's post-final hearing conduct.

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Lansing C. Scriven, Esq.  
Lansing C. Scriven, P.A.  
Special Counsel  
Fla. Judicial Qualifications Commission  
Fla. Bar No. 729353  
442 W. Kennedy Blvd., Suite 280  
Tampa, FL 33606  
813/254-8700

--and--

Thomas C. MacDonald, Jr., Esq.  
General Counsel  
Fla. Judicial Qualifications Commission  
Florida Bar No. 49318  
1904 S. Holly Lane  
Tampa, FL 33629  
813/254-9871

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing **MOTION TO DEFER RULING** has been furnished by **Facsimile** and **U.S. Mail** to **CHANDLER R. MULLER, ESQ.**, Muller & Sommerville, P.A., Post Office Box 2128, Winter Park, FL 32790-2128; **BROOKE S. KENNERLY**, Executive Director, Judicial Qualifications Commission, 1110 Thomasville Road, Tallahassee, FL 32303; **THOMAS C. MacDONALD, JR., ESQ.**, General Counsel, 1904 Holly Lane, Tampa,

FL 33629; **THE HONORABLE THOMAS B. FREEMAN**, Chair, Hearing Panel,  
14250 49<sup>TH</sup> St., N., Clearwater, FL 33762-2800; and **JOHN R. BERANEK, ESQ.**,  
Counsel, Hearing Panel, Ausley & McMullen, 227 South Calhoun St., P.O. Box 391,  
Tallahassee, FL 32301 on this \_\_\_\_\_ day of January, 2006.

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Attorney